WP(C) 3797/2007

BEFORE

HON'BLE JUSTICE MR RANJAN GOGOI

The selection for promotion to the posts of Officers Scale-I in the Assam Gramin Bank result of which has been declared on 4.7.2007, has been assailed in this writ petition.

Four contentions in all have been advanced at the hearing. Firstly, it has been contended that allotment of 20% marks for the interview segment is contrary to the law laid down by the Apex Court to the effect that the total marks for the interview should not exceed 15%. While it is correct that the Apex Court in a number of decisions has laid down that the marks for interview should not exceed 15%, time and again, it has been emphasized that the aforesaid view should not be understood to be laying down an inflexible principle which knows no exception. Much would depend on the facts of the case. In fact, the Apex Court has also upheld selections made exclusively by interviews. In the present case, award of 20% marks in the interview segment by itself , therefore, cannot be understood to have vitiated the selection process.

The second ground urged is that in the information bulletin published negative marking for wrong answer(s) was not mentioned though the aforesaid practice was resorted to in evaluating the result of the written test. It is, however, the case of the petitioners that in the question paper it was clearly mentioned that there would be negative marking for wrong answer(s). The second ground urged, therefore, does not find favour of the Court.

The third ground raised is that in the information bulletin though 10 marks were to be allotted for letter writing, in the actual examination instead of 10 marks, 11 marks were so allotted. Merely because of the aforesaid deviation, the Court cannot hold the selection process to have been vitiated.

Lastly, as regards the allegation of the departure from the practice of allowing ball pen to blacken the answers from the multiple choices and the use of pencils for the said purpose, the Court will understand the aforesaid departure to be on account of the computer programming, i.e., O.M.R.(Optical Mark Recognition) Programming.

For the aforesaid reasons, none of the grounds urged are acceptable to the Court. Writ Petition, therefore, has to be considered to be wholly without any merit and/or substance. It is accordingly dismissed. No costs.